THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.163 OF 2001

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DATED: 10-04-2006

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BETWEEN

Smt. Gnana Dayabharanam,

W/o. Late David Chinnappa

R/o. Hyderabad.

...PETITIONER

AND

Municipal Corporation of Hyderabad

Rep. by its Commissioner, Tank Bund

Road, Hyderabad.

...RESPONDENT

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondent in taking steps for demolition of the building constructed in an area of 21.34 sq. meters or 264 sq. yards of land bearing House No.276/3RT, situated at Vijaya Nagar Colony, Mallepally, Hyderabad without issuing any notice and without following due procedure prescribed under law as

illegal and arbitrary.

Learned counsel for the petitioner submits that the husband of the petitioner purchased the aforementioned property under a Registered Sale Deed dated 02.08.1976 bearing Doct.No.2011/76 and subsequently under the will, the petitioner inherited the same being the legatee. He further submits that the petitioner submitted an application to the respondent for grant of permission for construction of a residential building with ground plus two floors and the respondent through permit No.122/86 in File No.653/3/3/10/2000 dated 17.06.2000 granted sanction and approved the plan. While so, on 07.01.2001 the staff of the respondent visited the premises of the petitioner without issuing any notice and without disclosing any reason attempted to demolish the structures of the said building. He further submits that petitioner constructed the structures totally in accordance with the sanctioned plan.

Having regard to the facts and circumstances of the case,
the respondent is directed to inspect the premises of the petitioner to verify whether the petitioner has constructed the building in violation of the sanction plan and if any deviations/violations are found,
the respondent shall issue a show cause notice pointing out the deviations giving reasonable to the petitioner to file her explanation and then pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

April 10, 2006

DSK